

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

*Plaintiff,*

v.

MASIMO CORPORATION and  
SOUND UNITED, LLC,

*Defendants.*

C.A. No. 22-1377-MN-JLH

MASIMO CORPORATION,

*Counter-Claimant,*

v.

APPLE INC.

*Counter-Defendant.*

APPLE INC.,

*Plaintiff,*

v.

MASIMO CORPORATION and  
SOUND UNITED, LLC,

*Defendants.*

C.A. No. 22-1378-MN-JLH

MASIMO CORPORATION and  
CERCACOR LABORATORIES, INC.,

*Counter-Claimants,*

v.

APPLE INC.

*Counter-Defendant.*

**JOINT MOTION FOR TELECONFERENCE TO  
RESOLVE DISCOVERY DISPUTES**

The parties respectfully move this Court to schedule a teleconference to address outstanding disputes regarding the following discovery matters:

- Apple's responses to Masimo's RFP Nos. 10, 15-17, 24, 42-47, and 49 and Interrogatory No. 4.
- Whether Apple must search for and produce responsive files and metadata from the Apple Radar system.
- Masimo's refusal to make physical samples of its allegedly redesigned W1, Freedom Watch, and Freedom Band products available for inspection (Apple's RFP No. 26).

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on the following dates:

June 2, 2023, and June 5, 2023.

Delaware Counsel:

For Masimo: John C. Phillips, Jr.

For Apple: David E. Moore

Lead Counsel:

For Masimo: Jared Bunker, Kendall Loebbaka, David Kim (PHV to be filed)

For Apple: Benjamin Luehrs, Carson Olsheski, Mark Ford

The parties are available for a teleconference on the following dates: **June 30, July 6, and July 7.**

Dated: June 23, 2023

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PHILLIPS MCLAUGHLIN & HALL, P.A.

/s/ David E. Moore

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